

MRS. FLEMING DENIES GUILT.

Pleads to the Indictment with Privilege to Enter a Demurrer.

TO TRY FOR HABEAS CORPUS.

Another Effort Made to Secure the Evidence Presented to the Grand Jury.

SHE IS SENT BACK TO A CELL.

It Depends Upon the Supreme Court to Say if the Defendant Must Stay in the Tombs.

The prosecution called upon Mrs. Fleming this morning to plead to the indictment found yesterday. The plea was not guilty, with the privilege of entering a demurrer.

Mr. Brooke was given the privilege of entering a special plea, and Sept. 20 is set to hear arguments. Copies of the indictment were ordered to be given to the prisoner. Mr. Brooke moved for permission to inspect the Grand Jury minutes. Judge Fitzgerald said he would not consider it, except on a formal application, with notice.

Mrs. Fleming was taken back to the Tombs.

Although Assistant District Attorney McIntyre succeeded in procuring an indictment against Mary Alice Almont Livingston, generally known as Mrs. Fleming, charged with murder in the first degree, many moves on the legal chess-board will be made before she is brought to trial.

Ever since the arrest of Mrs. Fleming, Lawyer Brooke has been trying to find out precisely what evidence exists against his client. Mr. McIntyre has been working just as hard to keep everything secret, and with the aid of the Grand Jury, Judge Fitzgerald and Coroner O'Meara has succeeded.

As a matter of fact, the police have no evidence beyond what has been published in the "Evening World." It is a class of evidence the prosecution would not care to disclose because of its weakness. All this is admitted in the District Attorney's office.

It is also practically conceded that today, but for her peculiar past, she has figured several times in courts and has saved two men on the ground they were fathers of her children.

She is the mother of another child, whose father the police are now looking for, on the belief that he may have some connection with the poisoning of Mrs. Fleming's mother, Mrs. Evelina Matilda Bliss. Mrs. Fleming has figured, too, as a blackmailer, and has, in fact, been stamped as such by judicial decision.

Lawyer Brooke persists in the statement that his client is a victim of persecution.

"Why, the meanest kind of thief," he said, "would have the right to be brought face to face with his accuser. He would have the right to know on what evidence he was being tried."

"Here is a woman charged with a crime, the extreme punishment for which is death. She is arrested on suspicion and committed in court to await the action of the Coroner's jury. That jury virtually acquits her, and then the machinery of the District Attorney's office is put in motion to try her anyhow."

"All this time she is a prisoner in the Tombs, knowing nothing except the grave charge she is under. She has not seen a single accuser, because none has been examined before a respectable policeman who did not have a particle of proof."

"We are asked to go calmly along, wait six months, while the police go on a fishing trip for evidence, and then bring an arrest on a report and accusation of which we know nothing on trial day, when we would have no chance to rebut their testimony, no chance to explain their testimony, no chance to prove their case."

"Mrs. Fleming, in spite of all the excitement she has gone through, is bearing up well. She was bright and cheerful as ever this morning. She passed a restful night."

ABUSIVE POLICEMAN.

Sergeant Shire Refused to Make Charges Against Officer Killian.

Sergeant Nathaniel M. Shire, of the Tombs Precinct, was tried before Commissioner Parker to-day, charged with having failed to make a complaint against Patrolman John J. Killian, Frank Barkley, of the Gerry Society, was the complainant.

Barkley on Aug. 29 arrested a newsboy and Killian came to the boy's assistance. The policeman took him to the station-house. There, according to Barkley's story, Killian became abusive, Sergeant Shire refused to take a complaint against him.

"LOVERS MAKE UP IN COURT."

Parted on July 4. They Were Reunited To-Day.

There was a touch of romance in a case this morning before Judge Roach in the Fourth District Civil Court.

On July 4, 1903, the plaintiff, Minnie, and the defendant, John, were in love, their friends were busy preparing for the wedding.

Minnie and John, after a stormy interview, in which charges and counter-charges were made, separated and vowed never to meet again.

On July 5, 1903, the plaintiff, Minnie, and the defendant, John, were in love, their friends were busy preparing for the wedding.

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THE WINNERS AT SHEEPSHEAD.

Talent Gets Rather the Best of the Argument with the Bookies.

LONG DELAYS AT THE POST.

FIRST RACE—Intermission First.

Musculman Second.

SECOND RACE—Rampage First.

Peace-maker Second.

THIRD RACE—Patrician First.

Arachaph Second.

FOURTH RACE—The Swan First.

The Bluffer Second.

(Special to The Evening World.)

RACE TRACK, SHEEPSHEAD BAY, Sept. 12.—Spectacular racing weather, a superb track and a good third hour of racing made this afternoon a fair-weather crowd here this afternoon in spite of the counter attraction offered by the international yacht race.

The talent was on hand in its usual strength and kept the pencils busy. The sport was excellent. A bulletin at the judges' stand gave the spectators news of the progress of the yachts.

Another match race between Henry of Navarre and Domino is probable for Saturday.

The feature to-day was the Golden Rod Stakes, for two-year-olds.

FIRST RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 2:15 P. M.

SECOND RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 2:30 P. M.

THIRD RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 2:45 P. M.

FOURTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 3:00 P. M.

FIFTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 3:15 P. M.

SIXTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 3:30 P. M.

SEVENTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 3:45 P. M.

EIGHTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 4:00 P. M.

NINTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 4:15 P. M.

TENTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 4:30 P. M.

ELEVENTH RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 4:45 P. M.

Twelve RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 5:00 P. M.

Thirteen RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 5:15 P. M.

Fourteen RACE—Handicap, for two-year-olds, 1 mile, 10 furlongs. Starting at 5:30 P. M.

DUNRAVEN WON'T PLAY.

(Continued from First Page.)

claim that the excursion boats did not interfere in any way.

There were very few boats, compared with Tuesday or Saturday, and what few there were kept well astern of the racers.

DUNRAVEN'S PROTEST.

Must Have a Clear Course or He Will Not Sail.

After the decision of the Regatta Committee, through the yacht club, sustaining the protest, and thus giving her a second victory, Mr. Iselin wrote to Lord Dunraven, offering to sail the race over again, the point in dispute having been settled and a precedent established to govern future manoeuvring at the start.

Mr. Iselin's proposition to sail the unsatisfactory race over again met with the official approval of the Regatta Committee, all of the members of which saw in the offer a solution of the difficulty.

The protest was decided in favor of Dunraven, which they were compelled to do on the merits of the case, such an understanding was tacitly understood to be forthcoming.

Another phase of the situation is brought to light through the protest by Lord Dunraven after Tuesday's race and made public to-day. It was addressed to the Club Committee, and is as follows:

Gentlemen: It is with great reluctance that I write to inform you that I decline to take part in the race which has been offered to me in the last two races, and for the following reasons:

First—To attempt to start two such large vessels in such confined space and among moving steamers is, in my opinion, exceedingly dangerous, and I will not further risk the lives of my men or the ship.

Second—At the start of the first race the crowd was so great that we could not see the mark boat, and we were much hampered by steamers, especially on the race home.

Today on the race home eight or nine steamers were to the windward of me, and the whole of the race was being run in the shadow of their funnels, and I was unable to see the mark boat, and I was much hampered by steamers, especially on the race home.

I would remind your committee that, following the protest that might occur, I should upon the decision of the committee be obliged to sail the race, and I would be obliged to do so. At the same time I would testify to my full belief that your committee have done everything in their power to prevent over-crowding.

It is that, when a contest between the representatives of two yacht clubs exists so much popular interest and attracts such crowds of people, if the races are sailed in the immediate neighborhood of a great city, and the lives of the crew and times of starting are known and advertised, it is impossible to keep a course free from causes of exceptional danger and clear enough to assure the probability that the result of the match will be according to the relative merits of the competing vessels.

I have the honor to remain your obedient servant, DUNRAVEN.

The American Cup Committee.

This letter makes it clear that if what His Lordship considered improper behavior and undue crowding on the part of the excursion fleet took place on the day he might turn his craft out of her course and sail to moorings during the progress of the race or before it has actually begun.

The decision of the Regatta Committee, sustaining the protest, was announced by "The Evening World" in an extra edition yesterday, issued as soon as the verdict was rendered, being thus made public first.

Comments by expert yachtsmen upon the protest and the decision, as announced, stand which they had taken as being a completely fair and directly in line with the regulations under which the races are sailed. Dunraven held his course and had the right of way when Tuesday's collision occurred, leaving Valkyrie plenary of the race and the former of the accident was solely because of a miscalculation of distance by Capt. Cranfield, that skipper making a pretty maneuver, but too close to avoid fouling.

Several tons of lead were removed from Valkyrie last night, and the vessel was towed to her berth by a tugboat, and the lead was put on her water-line under the glare of electric lights.

Time and tide wait for no man but the World's Half-Million Guarantee Page is open every day.

TO-MORROW TO BE COOLER.

But It Is Something of a Scorch To-Day.

Local Weather Forecaster Dunn said morning low in his little office on the corner of Madison and Broadway.

He said the weather was preparing his forecast of heat and humidity for to-day.

SHARP BIKE RACING.

The Recent Event, the One-Mile Record Run, Class B.

HAMPDEN PARK, SPRINGFIELD, Mass., Sept. 12.—People poured into Hampden Park this afternoon, and when the race was over, the spectators filled the stands and were banded in solid masses up and down the home stretch. The event of the day was the one-mile class B record race, and Bald ruled as the favorite. He won the race last year. Windle was the victor in 1901. Zimmerman in '92 and Taylor in '93.

This contest is the event of the year in cycling circles, and it is the ambition of all riders to capture it. The race was supposed to lie between Bald and Cooper, with Cabanne and Murphy possible quantities.

One mile, 120 Class A Riders—Won by W. E. Taylor, Rockville, Conn., 1:11. Elmer, Chicago, Mass., second, 1:12. W. A. Wain, N. Y., third, 1:13.

One mile, 120 Class B Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class C Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class D Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class E Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class F Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class G Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class H Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class I Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class J Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class K Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class L Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class M Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class N Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class O Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class P Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class Q Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class R Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class S Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class T Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class U Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

One mile, 120 Class V Riders—Won by E. C. Bald, Buffalo, N. Y., 1:08. W. A. Wain, N. Y., second, 1:09. E. C. Bald, Buffalo, N. Y., third, 1:10.

BAD FOR STRAUSS.

Some Damaging Evidence Against the Police Captain.

He Looked Troubled When the Blotter Was Produced.

Charges May Also Be Preferred Against Sergt. Hammond.

Lawyer Grant, counsel for Roundman John Buckley, of the East Sixty-seventh street station, on trial before Commissioner Parker, at Police Headquarters, made a serious charge against commanding officers of the Twenty-fifth Precinct, of which Capt. Strauss was in charge.

He says the station-house blotter was falsified by an erasure on Sept. 3 to make a case of disobedience against Buckley. The lawyer intimated the entry was made by Capt. Strauss or by his direction.

Roundman Buckley said he served a subpoena in the station-house this morning for the production of the blotter. Commissioner Parker ordered a telegram to the station-house at once to produce the blotter.

The case hinges upon the parade of the Cherokee Club on the night of Labor Day.

The Cherokee Club, a Tammany Hall organization, claims Strauss is its enemy, and ordered four men to interfere with the parade out of spite.

Acting Sergt. Hammond, called as a witness, said he was on duty on the night of the parade, and he saw the Cherokee Club men interfere with the parade.

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NIXON AND BRADFORD HELD.

They Are Accused of Having a Counterfeit Plate.

The examination of Dr. Orlando E. Bradford and John H. Nixon, formerly a keeper at Sing Sing, on the charge of counterfeiting, took place before Commissioner Alexander to-day morning.

George H. Bagg testified to the arrest of Dr. Bradford at Mrs. Kennedy's house and the seizure of counterfeiters' articles. He testified to finding the plates under the carpets.

Dr. Bradford waived examination. The case against Carlton Bentley was not taken up.

Agent Esquerra, of the Secret Service, told of the arrest of Nixon with packages which contained counterfeit plates and other paraphernalia. Agent Bagg also discovered a \$100 plate.

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